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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,847	10/29/2003	John F. Huber	128-P-04	9300

7590

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EXAMINER

KNOX, STEWART T

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,847

Applicant(s)

HUBER, JOHN F.

Examiner

Stewart T. Knox

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 12-22 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-22, 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of species B (figures 11-17), withdrawal of claims 7-11 and 23-27, and addition of claims 28-32 as laid out in the reply filed on 7/25/2005 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 12-16, 18-22, 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "a receiver" is cited, yet all further references within claims and dependent claims still recite the limitation "a receiver" and "a sear" (e.g. claim 1 lines 8-9). If applicant intends the claims to refer to the same receiver or sear, further clarification is required in the form of the phrase "said receiver" or "said sear."

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3641

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sedita (Fr Patent 2,619,440). Sedita discloses a trigger with a head directly and removably connected to a receiver, a socket (fig. 2) capable of receiving a ball to contact the sear, a ball, a finger element connected to the head, and an underside of the top (at the base of the spring) where the socket is formed.

3. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jewell (5487233). Jewell discloses a trigger with a head adaptable to receive a pin (elem. 27), a head top (abutment surface 5b) capable of contacting a sear (2), wherein said head top defines a hole for receiving an adjuster for adjusting the orientation of said trigger about said pin relative to the sear and the receiver (elems. 5f, 5h, 5j), and a finger element (5c), a hole through the head (27) for pivotally connecting the trigger to the receiver, an adjuster that is a screw (elems. 5g, 5m, 5n).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedita in view of Sato (6474011). Sedita discloses the claimed invention except for a finger element

Art Unit: 3641

comprising a front strap and a rear strap with at least one opening there between. Sato teaches a trigger with a front and rear strap and at least one opening there between (fig. 1). Functionally, the triggers behave in the same manner, but a trigger with straps and braces is composed of less material, and therefore is lighter and cheaper to manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger of Sedita with the trigger of Sato in order to construct a lighter firearm that is cheaper to manufacture.

6. Claims 19, 22, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell in view of Sedita in view of Bell. Jewell discloses a head with a front, rear, top, bottom, first side, and second side, pivotally connected to a receiver with a pin, a finger element, and a hole for receiving a screw adjuster. Jewell does not show a socket for receiving a ball positioned to contact the sear. Sedita teaches a socket (fig 2) with a ball for providing a smoother contact between the trigger and the sear. Of further note is Bell (4908970) who teaches the use of a bearing (which can be a ball) to reduce friction and wear between the trigger and sear (col. 2 lines 1-3, 13-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger of Jewell with the bearing and socket of Sedita, since such a modification would provide the trigger with a sear-trigger interface that has less friction than the interface in Jewell (between elems. 3c and 4b).

Art Unit: 3641

*Allowable Subject Matter*

7. Claims 15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 1-6, 17-18, and 28-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571)272-8235. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571)272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STK

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER